

# **EXHIBIT "A"**

PETRILLO & GOLDBERG, P.C.  
By: STEVEN M. PETRILLO, ESQUIRE  
6951 North Park Drive  
Pennsauken, NJ 08109  
(856)486-4343  
ATTORNEYS FOR PLAINTIFF

BRIAN HOLMES,

Plaintiff,

v.

PATROLMAN JASON STETSER,  
PATROLMAN L. SANCHEZ, PATROLMAN  
J. RODRIGUEZ, DETECTIVE WELCH,  
INVESTIGATOR JOSEPH GURCIK, CHIEF  
SCOTT THOMSON, LIEUTENANT JIM  
PHILLIPS, THE CITY OF CAMDEN and/or  
JOHN DOE #1 through #25 (fictitious names  
of yet to be identified parties to this litigation),  
jointly, severally and/or in the alternative,

Defendant(s)

SUPERIOR COURT OF NEW JERSEY  
CAMDEN COUNTY  
LAW DIVISION

DOCKET NO. CAM-L- 2087-11

CIVIL ACTION

COMPLAINT AND JURY DEMAND

The plaintiff, Brian Holmes, by way of complaint against the defendants says:

FIRST COUNT

1. The plaintiff Brian Holmes is an adult individual residing in Camden, New Jersey.

2. Defendants Patrolman Jason Stetser, Patrolman L. Sanchez, Patrolman J. Rodriguez,

Detective Welch, Investigator Joseph Gurcik, Chief Scott Thomson, Lieutenant Jim Phillips,

and/or John Doe #1 through #25 (fictitious names of yet to be identified parties to this

litigation) are adult individuals who, at all times relevant hereto, were employed by the City of

Camden within its Police Department at its principal place of business located at Haddon

Avenue and Federal Street in the City and County of Camden, State of New Jersey.

3. Defendant City of Camden is a public entity created under the laws of the State of New Jersey whose Police Department has its principal place of business located at Haddon Avenue and Federal Street in the City and County of Camden, State of New Jersey.

4. On or about November 21, 2005 and on all dates subsequent thereto relevant hereto the defendants Patrolman Jason Stetser, Patrolman L. Sanchez, Patrolman J. Rodriguez, Detective Welch, Investigator Joseph Gurcik, Chief Scott Thomson, Lieutenant Jim Phillips, and/or John Doe #1 through #25 (fictitious names of yet to be identified parties to this litigation) were employees, agents and/or servants of the City of Camden within its Police Department who acted within the scope of their employment, agency and/or servitude and otherwise acted under color of law.

5. On or about November 21, 2005 the plaintiff Brian Holmes was present in the City and County of Camden and State of New Jersey.

6. On said date and on various and sundry dates and times thereafter the defendants Patrolman Jason Stetser, Patrolman L. Sanchez, Patrolman J. Rodriguez, Detective Welch, Investigator Joseph Gurcik, Chief Scott Thomson, Lieutenant Jim Phillips, and/or John Doe #1 through #25 (fictitious names of yet to be identified parties to this litigation) acting in conspiracy, individually, under color of state law and otherwise did unlawfully and unconstitutionally plant and falsify evidence, arrest, indict, try, convict and incarcerate the defendant Brian Holmes in violation of the Constitution of the United States of America, the Constitution of the State of New Jersey and of the laws of the State of New Jersey.

7. Said defendants, at all times relevant hereto, did unlawfully, willfully, wantonly and without probable cause detain, falsely imprison, falsely accuse, indict, try, convict and

imprison the plaintiff Brian Holmes depriving him of due process, the right to be secure in his person from illegal and unreasonable searches and seizures, the right of equal protection under the federal and state constitutions and under state law and the plaintiff was otherwise deprived of his rights, privileges and immunities secured by the Fourth, Fifth, Sixth and Fourteenth Amendments of the United States Constitution and of such rights, privileges and immunities otherwise secured by the New Jersey State Constitution and by New Jersey law.

8. As a direct and proximate result of the aforesaid constitutional violations and violations of law plaintiff Brian Holmes was deprived of his liberty, freedom, right to enjoyment of life and was subjected to humiliation, embarrassment, mental anguish, psychological and psychiatric injury, loss of enjoyment of life, deprivation of rights and privileges and the plaintiff Brian Holmes was otherwise injured and damaged in a severe and permanent fashion.

WHEREFORE, the plaintiff Brian Holmes demands judgment for compensatory and punitive damages against the defendants Patrolman Jason Stetser, Patrolman L. Sanchez, Patrolman J. Rodriguez, Detective Welch, Investigator Joseph Gurcik, Chief Scott Thomson, Lieutenant Jim Phillips, the City of Camden, and/or John Doe #1 through #25 (fictitious names of yet to be identified parties to this litigation), jointly, severally and/or in the alternative, together with attorney fees, interest and costs of suit.

#### SECOND COUNT

1. Each and every paragraph of the first count of plaintiff's complaint is hereby repeated as if more fully set forth at length.

2. The City of Camden at all times relevant hereto established policies, procedures and methodologies which permitted, afforded and encouraged the conduct more specifically described in the first count of plaintiff's complaint rewarding, promoting and otherwise benefitting officers of its Police Department who engaged in conduct violative of constitutional and state rights.

3. The defendant City of Camden, at all times relevant hereto, exercised deliberate indifference in failing to train, supervise, monitor and manage its police officers constituting a deliberate or conscious choice in failing to do so.

4. As a direct and proximate result thereof, plaintiff Brian Holmes suffered the aforescribed injuries and damages when Camden City police officers acting in conspiracy, individually or jointly, in the course of employment for the City of Camden and under color of state law violated his constitutional and state law rights as aforescribed.

5. As a direct and proximate result thereof, plaintiff Brian Holmes sustained the aforescribed injuries and damages which are deemed to be ongoing and permanent in nature.

WHEREFORE, the plaintiff Brian Holmes demands judgment against the defendants Patrolman Jason Stetser, Patrolman L. Sanchez, Patrolman J. Rodriguez, Detective Welch, Investigator Joseph Gurcik, Chief Scott Thomson, Lieutenant Jim Phillips, the City of Camden, and/or John Doe #1 through #25 (fictitious names of yet to be identified parties to this litigation), jointly, severally and/or in the alternative, for compensatory as well as punitive damages together with attorney fees, interest and costs of suit.

DEMAND FOR JURY TRIAL

PLEASE TAKE NOTICE that the plaintiff hereby demands a trial by jury as to all issues herein.

DESIGNATION OF TRIAL COUNSEL

PLEASE TAKE NOTICE that SCOTT M. GOLDBERG, ESQUIRE, is hereby designated as trial counsel regarding the within matter.

ATTORNEY'S CERTIFICATION

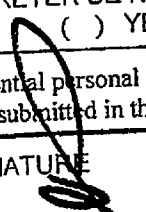
The undersigned hereby certifies that, to the best of my present knowledge, the within matter is not the subject of any other actions or arbitration proceedings, nor are any such other actions or arbitration proceedings presently contemplated in this matter.

PETRILLO AND GOLDBERG, P.C.

BY: 

STEVEN M. PETRILLO, ESQUIRE

Dated: April 22, 2011

<h1 style="margin: 0;">CIVIL CASE INFORMATION STATEMENT</h1> <h2 style="margin: 0;">(CIS)</h2> <p style="margin: 0; font-size: 0.8em;">Use for initial pleadings (not motions) under Rule 4:5-1</p>		FOR USE BY CLERK'S OFFICE ONLY	
ATTORNEY NAME  Steven M. Petrillo, Esquire		<div style="font-size: 0.7em;">PAYMENT TYPE   CK   CG   CA</div> <div style="font-size: 0.7em;">CHG/CK NO.</div> <div style="font-size: 0.7em;">AMOUNT:</div> <div style="font-size: 0.7em;">Batch Number:</div> <div style="font-size: 0.7em;">OVERPAYMENT:</div>	
TELEPHONE NUMBER  (856) 486-4343		COUNTY OF VENUE  Camden	
FIRM NAME AND OFFICE ADDRESS  PETRILLO & GOLDBERG, P.C. 6951 North Park Drive Pennsauken, NJ 08109		<div style="font-size: 0.7em;">DOCUMENT TYPE</div> <div style="font-size: 0.7em;">Complaint</div> <div style="font-size: 0.7em;">JURY DEMAND</div> <div style="font-size: 0.7em;">(X) YES      ( ) NO</div>	
NAME OF PARTY (e.g. John Doe, Plaintiff) Brian Holmes, Plaintiff		<div style="font-size: 0.7em;">DOCKET NUMBER</div> <div style="font-size: 0.7em;">2-2087-11</div>	
CAPTION Holmes v. Stetser, et al.		<div style="font-size: 0.7em;">CASE TYPE NUMBER   005</div> <div style="font-size: 0.7em;">Is this a professional Malpractice Case? ( ) YES   (XX) NO</div> <div style="font-size: 0.7em;">IF YOU HAVE CHECKED "YES" SEE N.J.S.A. 2A:53A-27</div> <div style="font-size: 0.7em;">AND APPLICABLE CASE LAW REGARDING YOUR</div> <div style="font-size: 0.7em;">OBLIGATION TO FILE AN AFFIDAVIT OF MERIT.</div>	
RELATED CASES PENDING? ( ) YES      (X) NO		IF YES, LIST DOCKET NUMBERS	
DO YOU ANTICIPATE ADDING ANY PARTIES (Arising out of the same transaction or occurrence)? ( ) YES (X) NO		NAME OF DEFENDANT'S PRIMARY INS. CO.: Unknown	
<div style="font-size: 0.7em;">THE INFORMATION PROVIDED BELOW CANNOT BE INTRODUCED INTO EVIDENCE</div>			
CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION			
A. DO PARTIES HAVE A CURRENT, PAST OR RECURRENT RELATIONSHIP?		IF YES, IS THAT RELATIONSHIP	
( ) YES      (X) NO      ( ) FAMILIAL		( ) EMPLOYER/EMPLOYEE      ( ) FRIEND/NEIGHBOR      ( ) OTHER ( ) BUSINESS	
B. DOES THE STATUTE GOVERNING THIS CASE PROVIDE FOR PAYMENT OF FEES BY THE LOSING PARTY?      (X) YES      ( ) NO			
USE THIS SPACE TO ALERT THE COURT TO ANY SPECIAL CASE CHARACTERISTICS THAT MAY WARRANT INDIVIDUAL MANAGEMENT OR ACCELERATED DISPOSITION.			
DO YOU OR YOUR CLIENT NEED ANY DISABILITY ACCOMMODATIONS? ( ) YES (X) NO      IF YES, PLEASE IDENTIFY: _____			
WILL AN INTERPRETER BE NEEDED? ( ) YES (X) NO      IF YES, FOR WHAT LANGUAGE: _____			
I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with Rule 1:38-7(b).			
ATTORNEY SIGNATURE  		DATE April 22, 2011	

6/27/11

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*SUPERIOR COURT OF NEW JERSEY*  
CAMDEN COUNTY  
LAW DIVISION

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**CIVIL ACTION**

**SUMMONS**

From The State of New Jersey, To The Defendant(s) Named Above:

**Investigator Joseph Gurcik**

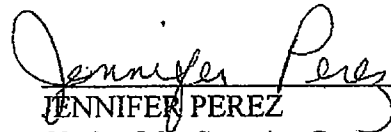
The plaintiff, named above, has filed a lawsuit against you in the Superior Court of New Jersey. The complaint attached to this summons states the basis for this lawsuit. If you dispute this complaint, you or your attorney must file a written answer or motion and proof of service with the deputy clerk of the Superior Court in the county listed above within 35 days from the date you received this summons, not counting the date you received it. (The address of each deputy clerk of the Superior Court is provided.) An \$135.00 filing fee payable to the Clerk of the Superior Court and a completed Case Information Statement (available from the deputy clerk of the Superior Court) must accompany your answer or motion when it is filed. You must also send a copy of your answer or motion to plaintiff's attorney whose name and address appear above, or to plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file and serve a written answer or motion (with fee and completed Case Information Statement) if you want the Court to hear your defense.



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If you do not file and serve a written answer or motion within 35 days, the Court may enter a judgment against you for the relief plaintiff demands, plus interest and costs of suit. If judgment is entered against you, the Sheriff may seize your money, wages or property to pay all or part of the judgment.

If you cannot afford an attorney, you may call the Legal Services office in the county where you live. A list of these offices is provided. If you do not have an attorney and are not eligible for free legal assistance, you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A list of these numbers is also provided.

  
JENNIFER PEREZ  
Clerk of the Superior Court

DATED: April 29, 2011

Name of Defendant to be Served:  
Address of the Defendant to be Served:

**Investigator Joseph Gurcik**  
**1070 Huntington Drive**  
**Williamstown, NJ 08094**